

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CHRISTOPHER M. PITCOCK,

Petitioner,

v.

WARDEN,

Respondent.

CAUSE NO. 3:19-CV-888-DRL-MGG

OPINION AND ORDER

Christopher M. Pitcock, a prisoner without a lawyer, filed a habeas corpus petition challenging the prison disciplinary hearing (ISP 19-02-0094) held on February 21, 2019, where the Disciplinary Hearing Officer (DHO) found him guilty of unauthorized possession of property in violation of Indiana Department of Correction policy B-215. ECF 1 at 1. As a result, he was sanctioned with the loss of 30 days earned credit time. *Id.*

The Warden represents that the Indiana Department of Correction has vacated Mr. Pitcock's grievous sanctions and restored his time, and that this case is thus moot. ECF 8. A letter from Anna Levitt, an Appeal Review Officer, indicates that Mr. Pitcock's grievous sanctions have been vacated. ECF 8-1. Mr. Pitcock did not respond to the motion, and the time to do so has now passed.

The court cannot overturn a disciplinary proceeding and restore Mr. Pitcock's time when that has already occurred. In other words, Mr. Pitcock has already won, and there is no case left to decide. This case must be dismissed. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge prison disciplinary determination in habeas proceeding only when it resulted in a sanction that lengthened the duration of his confinement).

Accordingly, the motion (ECF 8) is GRANTED and the case is DISMISSED. The clerk is DIRECTED to close this case.

SO ORDERED.

February 28, 2020

s/ Damon R. Leichty
Judge, United States District Court